

ANDERSON KILL P.C.

Attorneys and Counselors at Law

1251 AVENUE OF THE AMERICAS ■ NEW YORK, NY 10020

TELEPHONE: 212-278-1000 ■ FAX: 212-278-1733

www.andersonkill.com

Christopher L. Ayers Esq.
cayers@andersonkill.com
212-278-1570

December 8, 2015

Via ECF and Hand Delivery**MEMO ENDORSED**Hon. Colleen McMahon
Daniel Patrick Moynihan
United States Courthouse, courtroom 17C
500 Pearl St.
New York, NY 10007-1312Re: EURO PACIFIC CAPITAL, INC. et. al. v. U.S. CHINA
MINING GROUP, INC and HONGWEN LI Case No.: 1:15-
cv-04636-CM*12/8/2015
(1) Motion
at Docket # 12
is withdrawn.
(2) Clerk's
Certificate
of default
filed
9/11/2015
VACATED*

Dear Honorable Colleen McMahon:

On September 11, 2015, the Clerk of this Court entered a default against Defendants U.S. China Mining Group, Inc. ("USCM") and Hongwen Li ("Li") (collectively "Defendants") for failure to appear pursuant to Fed. R. Civ. P. 55(a). On November 12, 2012, Plaintiffs, Euro Pacific Capital, Inc. et. al., filed a Motion for Default Judgment respectfully requesting a default judgment against Defendants as well as an inquest hearing to determine the damages. In support of the Motion for Default Judgment, Plaintiffs also filed a Memorandum of Law in Support of the Motion for Default and an Affidavit of Christopher L. Ayers with accompanying exhibits (collectively the "Default Motion").

After filing and serving the Default Motion, an individual by the name of Hongwen Li notified this firm that he was served with the Summons and Complaint and again with the Default Motion. However, this individual, Hongwen Li, indicated that he is not the correct individual named in the above captioned matter. Accordingly, we write to request that the Court withdraw and remove the Default Motion filed on November 12, 2015 from the Docket. We also respectfully request the Court vacate the Clerk's Certificate filed September 11, 2015. Thereafter, Plaintiffs will move for default solely against USCM.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/8/15

New York, NY ■ Ventura, CA ■ Stamford, CT ■ Washington, DC ■ Newark, NJ ■ Philadelphia, PA ■ Dallas, TX

nydocs1-1059294.1

Anderson Kill P.C.

Hon. Colleen McMahon
December 8, 2015
Page 2

Should you have any questions, please call. Thank you in advance for attention to this matter.

Sincerely yours,

A handwritten signature in black ink, consisting of a stylized 'C' followed by a long horizontal stroke that curves upwards at the end.

Christopher L. Ayers